

JOURNAL OF THE FLORIDA SENATE

Wednesday, June 23, 1971

The Senate was called to order by the President at 10:00 a.m.
A quorum present—29:

Mr. President	Daniel	Johnson (34th)	Scarborough
Arnold	Deeb	Karl	Stolzenburg
Barron	Ducker	Lewis (33rd)	Ware
Barrow	Gong	Lewis (43rd)	Weber
Bell	Graham	McClain	Wilson
Bishop	Henderson	Ott	
Brantley	Hollahan	Poston	
Childers	Horne	Reuter	

The Committee on Ways and Means was excused for the purpose of continuing the meeting of the committee.

On motion by Senator Hollahan, the Senate proceeded to the order of—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Poston and others—

SB 20-C—A bill to be entitled An act relating to motor fuels; amending §208.08(3), Florida Statutes, as amended and transferred by chapter 70-995, Laws of Florida, to §206.45(3), Florida Statutes, and creating §§206.45(4) and 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for counties and cities and manner of apportionment and disbursement; amending §§206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; amending §206.91, Florida Statutes, in connection with deduction allowed dealer; adding section 206.961, Florida Statutes, granting exemptions to certain dealers; providing an effective date.

Amendment 1—

On page 1, line 25, strike everything after the enacting clause and insert the following:

Section 1. Subsection (3) of section 206.45, Florida Statutes, is amended and subsection (4) of said section is created to read:

206.45 Payment of tax into state treasury.—All moneys derived from the gas taxes imposed by part I of this chapter shall be paid into the state treasury by the department, for deposit in the "gas tax collection trust fund", which fund is created and from which the following transfers shall be made:

(1) The first gas tax, after withholding fifty thousand dollars (\$50,000) to be used as a revolving cash balance in the "gas tax collection trust fund", except as provided in section 206.625, Florida Statutes, shall be transferred into the "state roads trust fund", which fund is created for use as provided by law.

(2) The second gas tax shall be remitted to the "state board of administration" for distribution as provided in the Constitution.

(3) The additional *seventh cent* gas tax collected pursuant to section 206.60, as such may be amended by the 1971 Legislature, shall be distributed as therein provided.

(4) The additional eighth cent gas tax collected pursuant to section 206.605, shall be distributed as therein provided.

Section 2. Section 206.605, Florida Statutes, is created to read:

206.605 Additional eighth cent tax on motor fuel.—

(1) Every distributor of motor fuel, in addition to all other taxes required by law, shall pay an additional tax of one cent (1¢) per gallon for every gallon of motor fuel sold or used by him, or brought into this state by him for sale or for use on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling of said lot products. Delivery shall be deemed to be made at the point of destination. This additional license tax of one cent (1¢) per gallon on motor fuel shall be paid to the department monthly as provided in section 206.48.

(2) For the fiscal year beginning July 1, 1971 through June 30, 1972, the proceeds of said tax are hereby appropriated to fund the division of the Florida Highway Patrol of the department of highway safety and motor vehicles. The further proceeds of said tax for the period July 1 to October 1, 1971, are hereby appropriated to the general revenue fund of the state. After October 1, 1971, the further proceeds of said tax shall be transferred into the "local government distribution trust fund", which fund is created for distribution as provided in section 206.605 (3). No deduction from these funds shall be made for the service charge provided in sections 215.20 and 215.22, Florida Statutes.

(3)(a) The department of revenue shall monthly apportion the funds deposited in the "local government distribution trust fund" among the several counties of this state in the following ratio: fifty per cent (50%) based on the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year, and fifty per cent (50%) based on the ratio that the total population of the county bears to the total population of the state.

(b) Each county's allocation shall be apportioned by the department as follows: each incorporated municipality shall receive that portion of the county total in a ratio that its population bears to the total population of the county, according to the latest official census, and the balance of the county's share shall be paid to the board of county commissioners. Municipalities incorporated after the latest federal census shall receive that portion of the county total in a ratio that its population bears to the total population of the county according to a special census of such municipalities.

(c) The state comptroller shall distribute to each county and municipality of this state each month the amounts certified to him by the department to be due and payable to each county or municipality.

(d) The department shall be responsible for maintaining accurate and complete records of the amounts allocated and remitted to the counties and municipalities under this law and for the proper distribution of the apportioned funds of any county or municipality making an election under subsection (5).

(4) Funds available under this section shall be used only for purchase of road and street rights-of-way, construction, reconstruction, maintenance of roads and streets, for the adjustment of city-owned utilities as required by road and street construction, and the construction, reconstruction, transportation related public safety activities, maintenance, and operation of transportation facilities. Municipalities and counties are authorized to expend the funds received under this section in conjunction with other cities or counties or state or federal government in joint projects.

(5)(a) If any county or municipality subject to this act does not have the transportation facilities capability, the county or

municipality may designate by resolution the projects to be undertaken and the engineering may be thereafter performed and administered and the construction administered by the state department of transportation or, in the case of a municipality, by the appropriate county if said county has the capability and agrees to undertake the projects.

(b) In the event the county or municipality desires the department of transportation to either perform or administer the engineering services or to administer the construction, or both, it must so indicate at the time of the presentation of the annual budget or in the case of the municipality it must so designate at the time the county presents its annual budget.

(6) Municipalities levying more than ten mills, except for debt service or other special millages authorized by the voters, on the effective date of this act are hereby required to reduce their operating millages for their fiscal year 1971-72 by the number of mills and fraction thereof that would have been necessary to raise eighty percent (80%) of the revenues hereby replaced for the period October 1, 1971 to October 1, 1972. This shall not require a reduction or rollback below ten mills.

Section 3. Subsection (1) of section 206.57, Florida Statutes, is amended to read:

206.57 Gasoline tax imposed upon motor fuels in vehicle reservoirs.—

(1) A tax of *eight cents (8¢)* ~~seven~~ per gallon is fixed and levied on all motor vehicle fuel carried in reserve motor vehicle reservoirs upon which other gasoline taxes of the state have not been paid, and such tax shall be paid into the state treasury to the credit of the general revenue fund.

Section 4. Subsection (1) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.—

(1) An excise tax of *eight cents (8¢)* ~~seven~~ per gallon is hereby imposed upon every gallon of special fuel used or sold in this state for use. Unless expressly provided to the contrary in this part, every sale shall be deemed to be for use in this state. This levy of tax is upon the consumer but shall be paid upon the first sale or transfer of title within this state by a dealer, except as expressly provided in this part, who shall act as agent for the state in the collection of said tax whether he be the ultimate seller or not.

Section 5. This act shall take effect July 1, 1971.

Amendment 2—

Strike the entire title and insert the following:

An act relating to motor fuels; amending subsection 206.45 (3), Florida Statutes, and creating subsection 206.45(4) and section 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for the state, counties and cities and manner of apportionment and disbursement; amending sections 206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

SB 20-C, together with the House amendments, contained in the above message, was referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

June 16, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By the Committee on Finance & Taxation—

HB 11-C—A bill to be entitled An act relating to ad valorem taxes amending section 193.122(1), Florida Statutes, providing

certification of tax rolls; repealing section 194.033, Florida Statutes, providing review of assessment by arbitration; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 11-C, contained in the above message, was determined by the President to be within the purview of the call of the Governor, was read the first time by title and referred to the Committee on Ways and Means.

Messages were received from the House of Representatives containing House Bills 79-C, 68-C and 77-C which were referred to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same are within the purview of the call of the Governor.

On motion by Senator Hollahan, the Senate stood in informal recess at 10:07 a.m.

The Senate was called to order by the President at 1:30 p.m. A quorum present—47:

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Sayler
Barron	Fincher	Lane	Scarborough
Barrow	Gong	Lewis (33rd)	Stolzenburg
Beaufort	Graham	Lewis (43rd)	Trask
Bell	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	
Deeb	Johnson (34th)	Reuter	

Excused: Senators Brannen and Bishop

Prayer by Senator Weber:

A wise man once contended—if you can't say something nice about your fellowman—say nothing. On this last day of the special session, if you can't say something brief, say nothing. Amen.

The Journal of June 22 was corrected and approved.

REPORTS OF COMMITTEES

The Committee on Rules, Calendar, Privileged Business and Ethics advises:

1. That the following bills do not appear to be within the purview of the call of the Governor:

HB 79-C HB 68-C HB 77-C

2. That the said bills are local in nature and if admitted, could thereupon be placed upon the calendar of local bills.

Respectfully submitted,
George L. Hollahan, Jr.
Chairman

The Committee on Governmental Efficiency recommends the following pass: SB 56-C

The Committee on Ways and Means recommends the following pass:

HB 11-C
CS for HB 14-C with 5 amendments
HB 21-C with 1 amendment
SB 5-C with 7 amendments to House amendments
SB 7-C with 9 amendments to House amendments

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Ways and Means recommends a Committee Substitute for the following: SB 42-C

The bill with Committee Substitute attached was placed on the Calendar.

The Committee on Rules, Calendar, Privileged Business and Ethics recommends the following not pass:

SB 37-C SB 39-C SB 45-C
SB 38-C SB 40-C

The Committee on Ways and Means recommends that the Senate refuse to concur in House amendments to:

SB 9-C
SB 20-C

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred—

SB 12-C with 2 amendments
SCR 4-C with 1 amendment

—reports that the House amendments have been incorporated and the bills are returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bills were ordered enrolled.

ENROLLING REPORTS

Your Enrolling Clerk to whom was referred SB 12-C reports same has been enrolled, signed by the required Constitutional officers and presented to the Governor on June 22, 1971.

ELMER O. FRIDAY
Secretary of the Senate

Your Enrolling Clerk to whom was referred—

SCR 4-C SCR 48-C SCR 49-C

—reports same have been enrolled, signed by the required Constitutional officers and filed with the Secretary of State on June 22, 1971.

ELMER O. FRIDAY
Secretary of the Senate

INTRODUCTION

By Senators Thomas, Hollahan, Arnold, Barron, Barrow, Beaufort, Bell, Bishop, Boyd, Brantley, Broxson, Childers, Daniel, Deeb, de la Parte, Ducker, Fincher, Gong, Graham, Gunter, Haverfield, Henderson, Horne, Johnson (29th), Johnson (34th), Karl, Knopke, Lane, Lewis (33rd), Lewis (43rd), McClain, Myers, Ott, Plante, Pope, Poston, Reuter, Saunders, Saylor, Scarborough, Stolzenburg, Trask, Ware, Weber, Weissenborn, Williams and Wilson—

SR 57-C—A Senate Resolution expressing the appreciation of the Florida Senate to LeRoy Adkison, Sergeant at Arms of the Florida Senate, on the occasion of his birthday on June 23, 1971, and proclaiming him Senator for a Day.

WHEREAS, the Honorable LeRoy Adkison has been Sergeant at Arms of the Senate of the State of Florida for the past twenty years, having first been elected to such position in the year 1951; and

WHEREAS, he has served honorably and with great distinction as Sergeant at Arms under eleven successive Presidents of the Senate, beginning under President Wallace Stearns and continuing until the present session under Jerry Thomas; and

WHEREAS, on June 23, 1971, he will celebrate his sixty-third birthday and his many friends and admirers in the Senate of the State of Florida wish to extend to him their best wishes and appreciation for all his services and endeavors; and to wish him a very happy birthday with best wishes for many more:

NOW THEREFORE BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA that on June 23, 1971, Sergeant at Arms, LeRoy Adkison, is hereby proclaimed Senator for a Day in recognition of his long and distinguished service to the Senate in appreciation for services over the past twenty years.

BE IT FURTHER RESOLVED that the Senate of the State of Florida wishes to acknowledge their tremendous debt to LeRoy Adkison who has helped the Senate in many ways during the past and also express the hope that this relationship continue for many years into the future.

Was read the first time by title. On motion by Senator Hollahan, SR 57-C was read the second time in full and adopted. The vote was: Yeas—47 Nays—None

Mr. President	Deeb	Johnson (34th)	Reuter
Arnold	de la Parte	Karl	Saunders
Barron	Ducker	Knopke	Saylor
Barrow	Fincher	Lane	Scarborough
Beaufort	Gong	Lewis (33rd)	Stolzenburg
Bell	Graham	Lewis (43rd)	Trask
Bishop	Gunter	McClain	Ware
Boyd	Haverfield	Myers	Weber
Brantley	Henderson	Ott	Weissenborn
Broxson	Hollahan	Plante	Williams
Childers	Horne	Pope	Wilson
Daniel	Johnson (29th)	Poston	

The Sergeant at Arms of the Senate, LeRoy Adkison, was invited by the President to a seat on the rostrum, where he was invested with the title of "Senator for a Day" and presented with a portrait of himself the instructions concerning which are that it shall hang upon the walls of the office of the Sergeant at Arms.

The Sergeant responded with words of profound thanks terminated by a thunderous "ROLL CALL", characteristic of his long tenure.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed SB 55-C.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and adopted—

SCR 54-C SCR 53-C SCR 34-C

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Con-

stitutional two-thirds vote of the membership and passed SB 35-C.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1, 2 & 3 and passed SB 3-C.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

June 23, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and adopted SCR 52-C.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The bills, contained in the above messages, were ordered enrolled.

On motion by Senator de la Parte, by two-thirds vote, the staff of the Committee on Ways and Means was granted privileges of the floor.

SB 5-C—A bill to be entitled An act relating to corporations, defining corporations; amending section 608.32, Florida Statutes, prescribing the contents of annual reports required to be filed by corporations; creating sections 608.321 and 608.3211, Florida Statutes, prescribing the taxable period for corporation reports and setting a due date for filing and a delinquency date; creating sections 608.322 and 608.3221, Florida Statutes, prescribing dates for the valuation of net worth and the determination of other information for all taxable periods; amending section 608.33, Florida Statutes, removing exemptions for railroad, pullman, telephone, telegraph, insurance, banking and trust companies, building and loan associations and cooperative marketing associations, providing for imposition of an annual corporate privilege tax on corporate net worth, setting a due date and a delinquency date for payments; creating sections 608.331 and 608.3311, Florida Statutes, prescribing taxes and tax rates; creating section 608.332, Florida Statutes, prescribing special rules for corporations in existence less than twelve months, for bankrupt, dissolved and withdrawing corporations, for consolidated returns by controlled groups of corporations, and adjustment powers of the department of revenue; creating section 608.333, Florida Statutes, providing for an apportionment of net worth to ascertain the portion attributable to Florida; creating section 608.334, Florida Statutes, providing for a credit of intangible personal property taxes against the corporate privilege tax attributable to subsidiary corporations, providing for a credit of insurance premium tax paid under chapter 624; creating section 608.335, Florida Statutes, providing for refund, hearing and appeal procedures, establishing a general three year statute of limitations for refunds and for assessments, and providing for the issuance of tax warrants for the collections of delinquent taxes; creating section 608.336, Florida Statutes, conforming references in the Florida Statutes; amending section 608.35, Florida Statutes, providing penalties for delinquent reports and payments and providing for interest on delinquent and overpaid taxes; creating section 608.311, Florida Statutes, defining corporations to include mutual insurers and other non-stock business associations subject to state regulation; amending section 608.05 and subsection (1) of section 613.02, Florida Statutes, providing for payment of the corporate privilege tax upon incorporation and qualification to do business in

Florida; requiring the department of revenue to provide information regarding this act; repealing section 193.701, Florida Statutes, relating to railroad license tax; providing for effective dates; providing for excision of certain sections of this act when no longer needed; providing for sections 2 through 18 of this act to become inoperative if and so long as a tax is imposed by the state on the net income of corporations.

Was taken up, together with House amendments, having been received in a message from the House of Representatives on June 22.

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 1—On page 11, line 26, after the period (.) insert:

The general apportionment method prescribed by section 214.71, Florida Statutes, shall apply to the consolidated return of any affiliated group of corporations which is required to or elects to file a consolidated return under this subsection (3), notwithstanding that any component member or members of the affiliated group would be required to apportion net worth in accordance with section 214.72, Florida Statutes, if a separate return were filed by said corporation or corporations for the taxable period.

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 2—On page 8, line 3, section 7, strike "(h)(2)(b)" and insert: (h)(1)(b)

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 3—On page 8, line 1, strike the period (.) and insert: ; provided however, that in the case of a corporation described in subsection 608.311(2), Florida Statutes, the tax is imposed on that portion of the book value of said corporation's net worth which is in the same ratio as the aggregate book value of all assets other than intangible personal property is to the aggregate book value of all assets of said corporation.

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 4—On page 8, line 8, section 7, strike "3" and insert: 4

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 5—On page 22, line 9, strike "90" and insert: 60

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 6—On page 55, lines 5-26, strike all of lines 5-26 and insert: Section 24. Sections 2 through 9 and sections 12 through 14 of this act shall become inoperative on the effective date of a tax imposed by the state on the net income of

corporations; provided that the fact that provisions of this act shall become inoperative shall in no way impair or abate the liability of any corporation for tax which became due prior to the date on which this act becomes inoperative, whether or not the return delinquency date occurred before such date, nor shall such fact prevent the administration and enforcement of this act after such date with respect to taxes due prior thereto.

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 7—On page 30, line 17, strike all of lines 17 through 29 on page 30 and all of lines 1 through 5 on page 31 and renumber subsequent section

Senators McClain, Wilson and Ware offered the following amendment to House amendment 1 which was moved by Senator McClain and failed:

On page 33, line 21, section 214.22 add the following subparagraph (4) on line 21

"(4) This act shall not be construed to limit a party's right to discovery under the Florida Rules of Civil or Criminal Procedure."

Senators Deeb and Daniel offered the following amendment to House amendment 1 which was adopted on motion by Senator Deeb:

Amendment 9—On page 13, line 5, section 13, insert a new sub-section (b) as follows: (b) The documentary stamp tax paid by corporations for the previous annual taxable period under the provisions of section 201.02 on the sale of real property to customers in the ordinary course of the corporation's trade or business shall be credited against the tax imposed by section 608.33 for the current taxable period.

Senator de la Parte moved that the Senate reconsider the vote by which amendment 9 was adopted and the Senate reconsidered.

The question recurred on the adoption of the amendment which failed.

Senators Barrow and Ware offered the following amendment to House amendment 5 which was adopted on motion by Senator Barrow:

Amendment 10—On page 45, strike lines 14 through 18 and insert: other penalties; be guilty of a misdemeanor in the first degree punishable as provided in sections 775.082 or 775.083, as published in chapter 71-136 Laws of Florida

Senator Deeb moved the adoption of the following amendment to House amendment 1 which failed:

Amendment 11—On page 12, line 27, section 13, strike all of Section 13

On motion by Senator Myers the following amendment to House amendment 1 was adopted:

Amendment 12—On page 16, strike all of line 29 (subsection 214.20) and renumber subsequent subsections on lines 1 through 6 on page 17.

On motion by Senator Myers the following amendment to House amendment 1 was adopted:

Amendment 13—On page 16, line 3, strike "214.26" and insert: 214.25

On motions by Senator de la Parte, the Senate concurred in House amendments 2, 3, 4 and 6 to SB 5-C and in House amendments 1 and 5 as amended by Senate amendments.

SB 5-C passed as further amended and the action of the Senate was certified to the House. The vote was:

Yeas—27

Mr. President	Childers	Johnson (34th)	Saunders
Arnold	de la Parte	Karl	Scarborough
Barron	Fincher	Knopke	Trask
Beaufort	Gong	Lewis (43rd)	Weissenborn
Boyd	Graham	Myers	Williams
Brantley	Gunter	Plante	Wilson
Broxson	Haverfield	Pope	

Nays—19

Barrow	Henderson	Lewis (33rd)	Sayler
Bell	Hollahan	McClain	Stolzenburg
Daniel	Horne	Ott	Ware
Deeb	Johnson (29th)	Poston	Weber
Ducker	Lane	Reuter	

STATEMENT PURSUANT TO RULE 1.36

I recuse myself from voting on Senate Amendment 9 to SB 5-C for the reason that it appears to financially favor a company for which I am chief executive officer.

Mallory E. Horne, 5th District

SB 7-C—A bill to be entitled An act relating to tax on sales, admissions, use, storage, consumption, or rentals levied pursuant to chapter 212, Florida Statutes; amending section 212.05(6), Florida Statutes, to increase the tax on the sale, rental, use, consumption or storage for use in this state on certain industrial equipment to four percent (4%); providing an effective date and an expiration date.

Was taken up, together with House amendments, having been received in a message from the House of Representatives on June 22.

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 1—On page 3, after line 11, section 2, insert the following: Notwithstanding other provisions of this chapter, no tax shall be imposed upon rooms provided guests when there is no consideration involved between guest and the public lodging establishment.

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 2—On page 8, lines 18-22, section 5, strike all of lines 18 through 22

Senator McClain presiding.

On motion by Senator de la Parte, the Senate reconsidered the vote by which amendment 2 was adopted.

The President presiding.

On motion by Senator Horne the following substitute amendment for amendment 2 was adopted:

Amendment 3—On page 8, line 20, strike all after the word 'state' through line 22 and insert a period

The Committee on Ways and Means offered the following amendment to House amendment 1 which was moved by Senator de la Parte:

Amendment 4—On page 15, line 11, strike the period (.) after the word "state" and insert the following: except sales, rental, use, consumption or storage for which bonds or revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion.

Senators Saylor and Knopke offered the following substitute amendment for amendment 4 which was moved by Senator Saylor and failed:

Amendment 5—On page 7, line 12, section 4, insert a new sentence: There shall also be exempt sales, rental, use, consumption or storage for which bonds or revenue certificates are validated on or before January 1, 1973, for transmission or distribution expansion.

The question recurred on the adoption of amendment 4.

On motion by Senator Beaufort, by two-thirds vote, debate on the amendment was limited to 2 minutes.

Amendment 4 was adopted by the following vote:

Yeas—31

Mr. President	Broxson	Henderson	Plante
Arnold	Childers	Horne	Pope
Barron	Daniel	Johnson (29th)	Saunders
Barrow	de la Parte	Johnson (34th)	Scarborough
Beaufort	Ducker	Lane	Trask
Bell	Fincher	Lewis (33rd)	Weissenborn
Boyd	Gunter	Lewis (43rd)	Wilson
Brantley	Haverfield	Myers	

Nays—10

Deeb	Knopke	Saylor	Weber
Gong	Poston	Stolzenburg	
Graham	Reuter	Ware	

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 6—On pages 15 and 16, line 23, section 8, strike all of section 8 and renumber the remaining sections

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 7—On page 7, line 3, section 4, strike "June" and insert: July

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 8—On page 2, lines 8-9, section 1, insert the following: 1. ASSESSED AS AGRICULTURAL PROPERTY UNDER SECTION 193.461

(and renumber subsequent subsection)

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator de la Parte:

Amendment 9—On page 4, line 7, section 3, insert the following: 1. ASSESSED AS AGRICULTURAL PROPERTY UNDER SECTION 193.461 (and renumber subsequent subsections)

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator Lane:

Amendment 10—On page 18, lines 13-17, section 11, strike; "; provided, however" (and the remainder of the paragraph) and insert: . (period)

The Committee on Ways and Means offered the following amendment to House amendment 1 which was adopted on motion by Senator Lane:

Amendment 11—On page 11, line 13, section 7, repeal Subsection (3)

The vote was:

Yeas—27

Mr. President	de la Parte	Karl	Poston
Beaufort	Ducker	Knopke	Scarborough
Bell	Fincher	Lane	Stolzenburg
Brantley	Gong	Lewis (43rd)	Weber
Broxson	Graham	McClain	Weissenborn
Childers	Haverfield	Myers	Wilson
Deeb	Hollahan	Plante	

Nays—13

Arnold	Gunter	Lewis (33rd)	Ware
Barrow	Henderson	Ott	
Boyd	Horne	Reuter	
Daniel	Johnson (29th)	Trask	

By unanimous consent Senator Saunders was recorded as voting nay.

On motions by Senator de la Parte, the Senate concurred in House amendment 1 as amended by the Senate amendments and in House amendment 2 to SB 7-C.

SB 7-C passed as amended and the action of the Senate was certified to the House. The vote was:

Yeas—26

Mr. President	Graham	Lane	Scarborough
Beaufort	Gunter	Lewis (33rd)	Trask
Boyd	Haverfield	Lewis (43rd)	Weissenborn
Brantley	Hollahan	McClain	Williams
de la Parte	Horne	Myers	Wilson
Fincher	Karl	Pope	
Gong	Knopke	Poston	

Nays—16

Arnold	Broxson	Henderson	Saylor
Barron	Childers	Johnson (29th)	Stolzenburg
Barrow	Daniel	Ott	Ware
Bell	Ducker	Plante	Weber

By unanimous consent, Senator Saunders was recorded as voting yea; Senator Reuter, nay.

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Bishop on SB 7-C. If he were present he would vote "yea" and I would vote "nay."

Richard J. Deeb, 22nd District

SB 9-C—A bill to be entitled An act relating to taxation; providing for revision of the state, county and municipal license taxes on dealers in alcoholic beverages; repealing section 561.36 and subsection 561.26(2), Florida Statutes; amending subsections 561.34(1), (2), (3), (6) and (7), Florida Statutes; amending section 561.35, Florida Statutes; adding new section 561.342, Florida Statutes, to provide for county and municipal licenses; providing an effective date.

Was taken up, together with House amendments, having been received in a Message from the House of Representatives on June 22.

On motions by Senator Trask, the Senate refused to concur in House amendments to SB 9-C, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

SB 20-C—A bill to be entitled An act relating to motor fuels; amending §208.08(3), Florida Statutes, as amended and transferred by chapter 70-995, Laws of Florida, to §206.45(3), Florida Statutes, and creating §§206.45(4) and 206.605, Florida Statutes, to require payment of an additional one cent (1¢) tax on each gallon of motor fuel sold or brought into the state by a distributor; designating use for counties and cities and manner of apportionment and disbursement; amending §§206.57 and 206.87, Florida Statutes, to reflect the increase in tax levy; amending §206.91, Florida Statutes, in connection with deduction allowed dealer; adding section 206.961, Florida Statutes, granting exemptions to certain dealers; providing an effective date.

Was taken up, together with House amendments, having been received in a message from the House of Representatives this day.

On motions by Senator de la Parte, the Senate refused to concur in House amendments to SB 20-C, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

SB 42-C was taken up, together with:

By the Committee on Ways and Means—

CS for SB 42-C—A bill to be entitled An act relating to the cigarette tax; amending section 210.025, Florida Statutes, to provide for an increase in the additional state cigarette tax to fund municipal financial assistance grants; amending Section 210.05, Florida Statutes, to limit dealer discounts; providing requirements for eligibility for receipt of grants; providing an allocation formula; providing an appropriation; providing an effective date.

—which was read the first time by title and SB 42-C was laid on the table.

On motion by Senator de la Parte, by two-thirds vote, CS for SB 42-C was read the second time by title.

Senator Lane moved the adoption of the following amendment:

Amendment 1—On page 3, line 15, section 3 after "or more" insert: or 10% utility tax

On motion by Senator Beaufort, by two-thirds vote, debate on amendment 1 was limited to 2 minutes.

The question recurred on the adoption of amendment 1 which failed.

Senator Weber moved the adoption of the following amendment:

Amendment 2—On page 3, lines 14-17, section 3 strike "which has a total ad valorem millage rate of three mills or more, excluding millage for payment of principal and interest on general obligation bonds,"

On motion by Senator Beaufort, by two-thirds vote, debate on amendment 2 was limited to 2 minutes.

The question recurred on the adoption of amendment 2 which failed.

On motion by Senator de la Parte, by two-thirds vote, CS for SB 42-C was read the third time by title, passed and certified to the House. The vote was:

Yeas—32

Mr. President	de la Parte	Johnson (29th)	Plante
Arnold	Ducker	Johnson (34th)	Pope
Barrow	Fincher	Karl	Poston
Beaufort	Gong	Knopke	Reuter
Boyd	Graham	Lewis (33rd)	Sayler
Brantley	Gunter	Lewis (43rd)	Scarborough
Broxson	Haverfield	McClain	Trask
Daniel	Horne	Myers	Wilson

Nays—9

Barron	Henderson	Ware	Weissenborn
Bell	Lane	Weber	
Childers	Stolzenburg		

By unanimous consent Senator Saunders was recorded as voting yea.

PAIR

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Bishop on CS for SB 42-C. If he were present he would vote "nay" and I would vote "yea."

George L. Hollahan, Jr., 44th District

On motion by Senator Hollahan, the Senate stood in informal recess at 3:41 p.m., awaiting the call of the President

The Senate was called to order by the President at 4:45 p.m. A quorum present.

By direction of the President, the Secretary read the following—

PROCLAMATION

State of Florida
Office of the Governor
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida is now in Special Session, having been convened pursuant to Proclamations of the Governor, and

WHEREAS, it is in the best interest of the citizens of the State of Florida that this Special Session of the Legislature be extended in order to permit full and adequate consideration of urgently needed legislation, as set forth in the aforesaid Proclamations of the Governor;

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Section 3, Article III, Constitution of Florida (1968), do hereby proclaim as follows:

1. That Paragraph one (1) of the Proclamation of the Governor dated the 18th day of June A. D. 1971, be and the same is hereby amended to read:

"1. That the Legislature of the State of Florida be, and it is hereby convened in special session at the Capitol, Tallahassee, Florida, for a period commencing at 11 o'clock a.m. Wednesday, the 9th day of June A. D. 1971, and ending at 12 o'clock midnight, Thursday, the 24th day of June A. D. 1971."

2. Except as amended by this Proclamation, the Proclamation of the Governor dated the 18th day of June A. D. 1971, is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 23rd day of June A. D. 1971.

REUBIN O'D. ASKEW
Governor

ATTEST:
RICHARD (DICK) STONE
Secretary of State

Senator Hollahan moved that the Senate adjourn to reconvene at 10:00 a.m., June 24, 1971. The motion was adopted by the following vote:

Yeas—33

Mr. President	de la Parte	Karl	Saunders
Arnold	Ducker	Knopke	Scarborough
Barron	Graham	Lane	Stolzenburg
Beaufort	Haverfield	Lewis (33rd)	Trask
Boyd	Henderson	Lewis (43rd)	Weissenborn
Brantley	Hollahan	McClain	Williams
Childers	Horne	Ott	
Daniel	Johnson (29th)	Plante	
Deeb	Johnson (34th)	Pope	

Nays—3

Bell	Myers	Sayler	Weber
Gunter	Poston	Ware	Wilson

The Senate adjourned at 4:47 p.m. to reconvene at 10:00 a.m., June 24, 1971.